IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTIETH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE N.V. RAMANA

WRIT PETITION NO.23630 of 2004

Between:

Mandava Koteswara Rao, S/o. Satyanarayana,
R/o. Movva Village and Mandal, Krishna District.

..... PETITIONER

AND

The Revenue Divisional Officer, Bandar, Krishna District.

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ, order or direction in the nature of a Writ of Mandamus declaring the proposed action of the respondent in taking Ac.11-35 cents of land situated in S.Nos.300, 301, 308, 306/2 and 309/1 of Batlapenumarru Village, Movva Mandal, Krishna District which was included in the standard holding of the petitioner's family and found the family not in excess of the ceiling area pursuant to the alleged implementation of the order in Rc.(d) C.C.No.1495/C/75 to which the petitioner is not a party as arbitrary, illegal and without jurisdiction and consequently to direct the respondent to drop the proposed action.

Counsel for the Petitioner: MR.G.PEDDA BABU

Counsel for sole Respondent: GP FOR REVENUE

The Court at the stage of admission made the following :

ORDER:

It is stated in the affidavit filed in support of the writ petition that the Land Reforms Tribunal, Bandar in C.C.No.1934/75/D by order dated 4-1-1977 determined that the petitioner's family holds an extent of land equivalent to 1.5023 standard holding and is entitled to hold 1.0000 standard holding and thereby holds an extent of land equivalent to 0.5023 standard holdings in excess of ceiling area. Questioning the said order, the petitioner is stated to have filed an appeal in L.R.A.No.780 of 1997 before the Land Reforms Appellate Tribunal, Krishna district and the same was dismissed by order dated 13-9-1978. Questioning the said order, the petitioner preferred a revision before this Court in C.R.P.No.6108 of 1978 and the same was disposed of by order dated 3-7-1979 directing exclusion of Ac.11-18 cents in S.Nos.28 and 29 and another extent of Ac.5-00 cents covered under Ex.A-1 situate at Sridharagatta village, Rayadurg Taluk, Anantapur district. The said extent which excluded is stated to be equivalent to 0.5993 standard holdings and petitioner claims that the same is less than one standard holding, which his family is entitled to hold under law. The petitioner stated to have purchased an extent of Ac.11-35 cents of wet land along with his brother-in-law in Survey Nos.300, 301, 308, 306/2 and 309/1 of Batlapenumarru village under an agreement of sale dated 26-12-1970 from one Chalasani Venkata Rayalu and shown the same in his declaration filed before the Ceiling Authorities and same was stated to have been included in his family unit. That out of the said extent of Ac.11-35 cents, an extent of Ac.2-24 in S no.306/2, Ac.3-00 cents in S No.308 and Ac.0-26 cents in S.No.309/1 totalling to Ac.5-50

cents was given to his daughter towards pasupukunkuma about 16 years back and sold an extent of Ac.1-50 cents in S.No.306/2 under a registered sale deed about two years back. While so, the respondent issued a notice dated: Nil-11-2004 stating that Chalasani Venkat Rayulu has to surrender excess land equivalent to 0.7108 standard holding to the Government and has alienated the excess land without surrendering to the Government, as shown in the declaration. Since the petitioner was purchaser of the said land, under Rule 7 (5) of the A.P. Land Ceiling Act, 1973, the petitioner was called upon to attend the enquiry scheduled on 7-12-2004 together with records in the office of Land Ceiling Tribunal (Revenue Divisional Officer), Machilipatnam. The petitioner stated to have appeared for enquiry on 7-12-2004 and filed the present writ petition apprehending that the respondent has decided to take over the subject land for distribution to landless poor on 26-1-2005.

Heard the learned counsel for petitioner and learned Government Pleader for Revenue. Both counsel agreed for disposal of the writ petition at the stage of admission.

Since, the petitioner has attended the enquiry on 7-12-2004 and contends that the subject lands were included in his holdings, I am not inclined to go into the merits of the matter, suffice it to direct that the Enquiry Officer shall take into consideration the objections raised by the petitioner in the enquiry, while passing appropriate orders thereon, in accordance with law. Till such time, status quo existing as on today shall be maintained. It is made clear that in the event of adverse orders,
if any passed against the petitioner, the petitioner is at liberty to challenge the same by availing the remedies available to him under law.

Subject to above, the writ petition is disposed of at the admission

stage.

_____

N.V.RAMANA,J

20TH Dec, 2004

Note:

Issue CC in two days

(B/O)

tvk/nsr

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Revenue Divisional Officer, Bandar, Krishna District.

2 Two CCs to GP for Revenue, High Court of AP, Hyderabad (OUT)

3 Two CD copies.